

Chap. 667.

AN ACT relating to state printing, constituting chapter fifty-eight of the consolidated laws.

Became a law May 28, 1917, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

CHAPTER 58 OF THE CONSOLIDATED LAWS

NEW YORK STATE PRINTING AND PUBLIC DOCUMENTS LAW

Article 1. Short title (§ 1).

2. General provisions (§§ 2-9).
3. State publications distribution (§§ 10-14).
4. Laws repealed; when to take effect (§§ 20, 21).

ARTICLE 1.

SHORT TITLE.

Section 1. Short title.

§ 1. Short title. This chapter shall be known as the "New York state printing and public documents law."

ARTICLE 2.

GENERAL PROVISIONS

Section 2. Classification.

3. Powers and duties of commissioner of general services and state agencies in purchasing printing.
- 3-a. Assistance in locating missing children.
4. Legislative printing.
5. Proposals for legislative printing.
7. Vegetable ink printing.
8. Right to annul contracts.
9. Complaints against contractor.

§ 2. Classification. The public printing is hereby classified into two principal parts. The first part shall be known as the legislative printing. The second part shall be known as the department printing, which shall include all printing for the various offices, institutions and departments of the state, other than legislative, classified as department printing by the commissioner of general services, pursuant to this chapter.

§ 3. Powers and duties of commissioner of general services and state agencies in purchasing printing. 1. The commissioner of general services shall have general supervision over the letting of all contracts for public printing provided to be made herein. In addition, the commissioner shall exercise such further supervision and control over all contracts for department printing pursuant to section one hundred sixty-three of the state finance law. The commissioner may, as deemed appropriate establish standard sizes and grades of paper and other necessary specifications for paper; provided, however, that such specifications shall be in accordance with those established pursuant to section one hundred sixty-three and subdivision three of section one hundred sixty-five of the state finance law.

(a) The commissioner of general services shall be responsible for the standardization and centralized contracting of printing required by state agencies in a manner which maximizes the purchasing value of public funds. Pursuant to section one hundred sixty-three of the state finance law, contracts for printing may be established by the office of general services or state agencies, and state agencies may, when such centralized contracts established by the office of general services are in the form, function and utility required by said agency, purchase from such centralized contracts. When printing is not available consistent with the provisions of section one hundred sixty-three of the state finance law in the form, function and utility required by state agencies, state agencies may procure printing independently or in conjunction with other state agencies.

(b) Printing contracts shall be awarded on the basis of lowest price to a responsive and responsible offerer; or in the case of multiple awards, in accordance with paragraph c of subdivision ten of section one

hundred sixty-three of the state finance law.

2. No contract for department printing shall be let to a bidder who, in the opinion of the commissioner, does not have satisfactory facilities and equipment which are ample and sufficient to insure proper performance of the contract or who has failed to give adequate security in an amount which may be required by the commissioner. Provided further, however, that no contract shall be let to a bidder other than the lowest price responsible bidder without the written approval of the comptroller.

3. Notwithstanding any of the foregoing provisions of this section, or of any general or special act, the commissioner may contract for printing to an amount not exceeding eighty-five thousand dollars without competitive bidding, and other state departments and agencies may contract to an amount not exceeding fifty thousand dollars without competitive bidding, for printing required by them.

§ 3-a. Assistance in locating missing children. Every state agency shall consult with the missing and exploited children clearinghouse on means by which public printing including stationery, newsletters and other written or electronic printings may be used to assist in the location of missing children in conformance with the guidelines prescribed in section eight hundred thirty-seven-f of the executive law.

§ 4. Legislative printing. 1. The legislative printing shall be further divided into two sub-parts to be known as legislative printing for the legislature and legislative printing for the executive.

2. Legislative printing for the legislature shall include, but not be limited to or restricted to the printing, publication and binding of the following:

- (a) bills of the legislature;
- (b) amended bills of the legislature;
- (c) journals;

- (d) session laws;
- (e) state of New York legislative digest; and
- (f) other legislative documents as may be ordered by the legislature through the commissioner.

Prior to the advertisement for bids for any of the foregoing, the commissioner shall give timely written notice to the temporary president of the senate and the speaker of the assembly or a legislative employee designated by them, apprising them of the date of such prospective advertisement and the date by which he must be in receipt of their joint requirements of the terms, conditions and specifications to be contained in the bid specifications and any contract let thereon. Such joint requirements may be developed in consultation with the commissioner and reliance upon his expert advice.

3. Legislative printing for the executive shall include, but not be limited or restricted to the printing, publication and binding of the following:

- (a) bills of appropriation in support of government submitted by the governor;
- (b) executive budget;
- (c) messages from the governor; and
- (d) other documents as may be included in the bid proposal.

The commissioner shall prescribe the terms, conditions and specifications to be contained in the bid specifications and any contract let thereon for the legislative printing for the executive.

4. The contract for legislative printing may provide for the printing of additional copies of bills for sale to persons, firms, corporations or associations requesting the same. Such price shall not exceed the per page price fixed for additional copies ordered by the legislature by resolution for its own use.

5. In consultation with the missing and exploited children clearinghouse, the temporary president of the senate and speaker of the assembly shall prescribe procedures in which printing including

stationery, newsletters and other written or electronic printings may be used to assist in the location of missing children in conformance with the guidelines prescribed in section eight hundred thirty-seven-f of the executive law.

§ 5. Proposals for legislative printing. 1. The commissioner shall give adequate notice that he will, at a time and place stated therein, receive sealed proposals for the legislative printing, the work to be performed as prescribed by law and in the notice published by said commissioner. Said commissioner shall compile the various terms, conditions and specifications for the legislative printing, except that as such specifications relate to the paper required for printing they shall be in accordance with those established pursuant to section one hundred sixty-four of the state finance law and shall invite all bids and let all contracts thereon and the same shall constitute each said contract. A copy of such requirements, when prepared, shall be filed in the office of said commissioner and shall be open to public inspection at all times.

2. The requirements for said legislative printing shall include the items set forth in subdivisions two and three of section four of this chapter and such items shall be placed in one group to be awarded in one contract and must set forth in such detail as will adequately inform the proposing bidders of the nature, kind, quality and quantity thereof, and copies of such requirements shall be delivered to all bona fide applicants therefor, and at the time when and place where bids are to be received in the manner herein provided the commissioner shall publicly open the bids received and record them without any change, correction or addition whatever. Notwithstanding the foregoing provisions of this subdivision, the commissioner may, upon approval of the temporary president of the senate and the speaker of the assembly, or a legislative employee designated by each legislative leader in the case of legislative printing for the legislature, and acting alone in the case of legislative printing for the executive, subdivide into two or more groups the work embraced in legislative printing and award separate and distinct contracts for each such group or any combination thereof

for any period not exceeding fifty months, as the commissioner shall deem in the best interests of the state. The provisions of subdivision ten of this section shall specifically apply to the legislative printing of the state of New York legislative digest and the provisions of subdivision eleven of this section shall specifically apply to all other items of legislative printing for the legislature covered by subdivision two of section four of this article.

3. No bids shall be withdrawn or cancelled, but the commissioner may reject any bids which do not conform to the specifications and to his rules and regulations, and may in any case, but in the case of legislative printing for the legislature only after timely written notice to and approval by the temporary president of the senate and the speaker of the assembly or legislative employee designated by them, reject all bids and again advertise for bids in the manner herein provided. The commissioner may discriminate in favor of any such bid as he may deem most favorable to the state, if in his opinion the interests of the state will be promoted thereby.

4. Every bid received must be a sealed bid, and the bidding requirements may include a provision for adequate guaranty that a bidder will enter into the contract if it shall be awarded to him. Notice of the requirement of such guaranty shall be embodied in the public notice for such letting, and such notice shall also require, and each contract shall provide, for the giving of a bond in such amount as shall be prescribed, conditioned for the faithful performance of the contract.

5. No contract for legislative printing for the legislature shall be awarded to any bidder until the temporary president of the senate and speaker of the assembly shall have been advised by the commissioner of his findings and recommendations with respect to each bidder and bid proposal thereon, including the bidders ability to properly perform said contract nor except as the temporary president of the senate and the speaker of the assembly shall have directed.

6. The contract when awarded shall be forthwith filed in the offices of the comptroller, the temporary president of the senate and speaker of

the assembly.

7. A contract awarded pursuant to this section may in any case upon written consent of the commissioner, and in the case of printing for the legislature, with the written consent of the temporary president of the senate and speaker of the assembly, or a legislative employee designated by them, in consultation with the commissioner, subject to the provisions of section one hundred thirty-eight of the state finance law, be assigned or sublet, but, in such event, the assignee or subcontractor may be required to give a bond in such amount as the commissioner shall prescribe, conditioned for the faithful performance of the contract assigned or the portion of the contract sublet, as the case may be.

8. The failure of the commissioner to give notice to, include any requirement of or secure approval from the temporary president of the senate or the speaker of the assembly or their designee, as the case may be, as required by any of the provisions of this section or of subdivision two of section four of this chapter shall not give rise to any cause of action or right to relief by any bidder, prospective bidder, contractor or prospective contractor or other third party but such failure may, prior to ratification by them and at the option of such legislative leaders, be revoked to invalidate any executory agreement arising therefrom and subsequent thereto.

9. In the case of any printing authorized by this section, or of any printing hereafter authorized by resolution of either branch of the legislature or by a concurrent resolution thereof, no extra charge shall be made except for extra paper or work beyond that required by the terms of the contract actually furnished with the approval of the comptroller, and for such extra paper and work the charge allowed shall not exceed the current market rates. Composition shall not be charged a second time by the same contractor on matter printed from type already set or negatives or plates made at state expense, but suitable allowance may be made for handling of plates and reimposing negatives or type forms. In all work requiring engraving and in all cases where illustrations are used, the dies, plates and engravings shall forthwith become the property of the state, and thereafter no charge shall be made for their

subsequent use, except a suitable allowance may be made for the handling of the plates. In all work manufactured by the process of lithography or photo composition, the artwork, camera ready mechanicals, and negatives shall forthwith become the property of the state.

10. (a) The printing, publication and distribution of the state of New York legislative digest shall be done under contract as hereinafter provided. All provisions of this article relating to legislative printing for the legislature which are not inconsistent with the provisions of this subdivision shall apply to the letting of a contract hereunder.

(b) Said contract shall be let under the direction of the commissioner separately from any other contract which is let under this article for legislative printing for the legislature. Upon the written request of the temporary president of the senate and the speaker of the assembly or their designees the commissioner may delegate the administration of any contract let under this subdivision to the commissioners of the legislative bill drafting commission.

(c) Each contract let under this subdivision shall commence on the fifteenth day of November of an even-numbered year and shall be for a term of either two or four annual sessions of the legislature. The temporary president of the senate and the speaker of the assembly or their designees shall provide the commissioner with a written direction with respect to the length of the term of the contract. Each such contract shall terminate on the third or fifth thirty-first day of December after its commencement, as the case may be, except that any duty, function or obligation performable during the last year of such contract may be completed after its termination. Any contract which provides for a term of only two annual sessions of the legislature may provide the commissioner with an option to extend the term thereof for an additional period covering the next succeeding two annual sessions of the legislature. The commissioner shall exercise such option on behalf of the legislature upon written direction provided to him by the hereinbefore referred to legislative leaders or their designees. Extension of the contract pursuant to the exercise of such option shall be upon the mutual agreement of the parties, provided that the provisions of any contract which contains such an option shall

specifically include a predetermined mechanism, whether set out in specific monetary terms or by application of a prescribed formula or formulae, whereby the parties shall be able to ascertain the compensation to be paid by the state to the contractor or by the contractor to the state, if any, and the maximum dollar amount of subscription rates which the contractor may impose for the sale of the state of New York legislative digest to all subscribers other than the legislature during each year occurring during the extension of the contract. Such predetermined mechanism shall be a part of the request for proposals and may be specifically set forth in such request or may be the subject of vendor bidding.

11. (a) The legislative printing for the legislature of the items specified in subdivision two of section four of this article, other than the state of New York legislative digest, shall be done under contract as hereinafter provided. All provisions of this article relating to legislative printing for the legislature which are not inconsistent with the provisions of this subdivision shall apply to the letting of a contract hereunder.

(b) Said contract shall be let under the direction of the commissioner separately from any other contract which is let under this article for legislative printing for the legislature pursuant to subdivision ten of this section. Upon the written request of the temporary president of the senate and the speaker of the assembly or their designees the commissioner may delegate the administration of any contract let under this subdivision to the commissioners of the legislative bill drafting commission.

(c) Each contract let under this subdivision shall commence on the fifteenth day of November of an even-numbered year and shall be for a term of either two or four annual sessions of the legislature. The temporary president of the senate and the speaker of the assembly or their designees shall provide the commissioner with a written direction with respect to the length of the term of the contract. Each such contract shall terminate on the third or fifth thirty-first day of December after its commencement, as the case may be, except that any duty, function or obligation performable during the last year of such contract may be completed after its termination. Any contract which

provides for a term of only two annual sessions of the legislature may provide the commissioner with an option to extend the term thereof for an additional period covering the next succeeding two annual sessions of the legislature. The commissioner shall exercise such option on behalf of the legislature upon written direction provided to him by the hereinbefore referred to legislative leaders or their designees. Extension of the contract pursuant to the exercise of such option shall be upon the mutual agreement of the parties, provided that the provisions of any contract which contains such an option shall specifically include a predetermined mechanism, whether set out in specific monetary terms or by application of a prescribed formula or formulae, whereby the parties shall be able to ascertain the compensation to be paid by the state to the contractor or by the contractor to the state, if any. Such predetermined mechanism shall be a part of the bid and may be specifically set forth in such bid.

§ 7. Vegetable ink printing. 1. The legislature finds and declares that:

(a) most state printing involving documents or publications is performed using lithographic inks;

(b) various types of oil, including petroleum and vegetable oil, are used in lithographic ink;

(c) increasing the amount of vegetable oil used in a lithographic ink would:

(i) help reduce the nation's use of nonrenewable energy resources;

(ii) result in the use of products that are less damaging to the environment;

(iii) result in a reduction of volatile organic compound emissions; and

(iv) increase the use of renewable agricultural products;

(d) the technology exists to use vegetable oil in lithographic ink and, in some applications, to use lithographic ink that uses no petroleum distillates in the liquid portion of the ink;

(e) some lithographic inks have contained vegetable oils for many years; other lithographic inks have more recently begun to use vegetable oil;

(f) according to the federal government printing office, using vegetable-based ink appears to add little if any additional cost to government printing;

(g) use of vegetable-based ink in state government printing should further develop:

(i) the commercial viability of vegetable-based ink, which could result in demand, for domestic use alone, for two billion five hundred million pounds of vegetable crops or five hundred million pounds of vegetable oil; and

(ii) a product that could help the United States retain or enlarge its share of the world market for vegetable ink.

2. Definition. In this section, "state agency" means any department, board, bureau, division or other entity of the state, any public authority or public benefit corporation, the judiciary and the state legislature.

3. General provisions. Notwithstanding any other law, beginning on the date that is one hundred eighty days after the effective date of this section, all lithographic printing performed or procured by a state agency that uses oil in its ink shall use the maximum amount of vegetable oil that is technologically feasible and results in printing costs that are cost-competitive with printing using petroleum-based inks.

4. Requirements. (a) Except as provided in paragraph (b) of this subdivision, in no event shall a state agency use any ink that contains less than the following percentages of vegetable oil in its ink used for lithographic printing:

(i) in the case of news inks, forty percent.

(ii) in the case of sheet-fed inks, twenty percent.

(iii) in the case of forms inks, twenty percent.

(iv) in the case of heat-set inks, ten percent.

(b) At any time at which a state agency determines that the cost of printing with vegetable-based ink is significantly greater than the cost of printing with petroleum-based ink, the state agency may perform or procure lithographic printing using ink that contains less than the

percentages of vegetable oil in its ink than those specified in paragraph (a) of this subdivision until such time as the cost of printing with vegetable-based ink is not significantly greater than the cost of printing with petroleum-based ink.

(c) A determination made under paragraph (b) of this subdivision shall be reviewed at least once every quarter, for the performance or procurement of printing of materials that are printed on a regular basis and prior to performing or procuring the printing of particular material of significant size that is printed once or is printed at intervals of six months or more.

§ 8. Right to annul contracts. Upon the failure or non-performance of the terms of any of the contracts awarded pursuant to this chapter on the part of the contractors with the state, the commissioner of general services or the state agency may annul the contract in which default is made and the comptroller shall withhold payment from the contractor for all work performed thereunder until the damage to the state shall be ascertained by proper adjudication, and the commissioner of general services or the state agency, may relet the contract for the balance of the uncompleted term of a contract so annulled or abrogated in the manner prescribed in the provisions of this chapter.

§ 9. Complaints against contractor. Complaints for violation of any of the terms of a contract on the part of the contractor, or contractors, for state printing shall be made to the commissioner, who shall and is hereby empowered and directed, in his discretion, to take such action as will afford the necessary and proper relief.

ARTICLE 3

STATE PUBLICATIONS DISTRIBUTION

Section 10. Definitions.

11. Responsibilities of the New York state library.
12. Responsibilities of state agencies.
13. Responsibilities of the gifts and exchange division of the

state library.

14. Responsibilities of the legislative library.

§ 10. Definitions. As used in this article:

1. The term "state agency" shall mean any state office, department, division, board, bureau, commission or corporation, provided, however, it shall not include the New York state legislature or any of its standing, special, select and joint committees, subcommittees and legislative commissions.

2. The term "corporation" shall mean every public authority and public benefit corporation a majority of the governing board members of which are either appointed by the governor or serve as members by virtue of their service as an officer of a state department, division, agency, board or bureau, or combination thereof.

3. The term "public document" shall mean any final annual, biennial, regular, statutorily mandated or other report, study or multi-year plan issued by a state agency in multiple copies, which has been distributed to the public, except items issued strictly for administrative or operational purposes, inter-agency and intra-agency memoranda, drafts of reports, public service announcements, written opinions rendered in cases determined in the court of appeals, appellate divisions of the supreme court or any other court of record and any public documents or portions thereof that are compiled for law enforcement purposes and which, if disclosed, would interfere with law enforcement investigations or judicial proceedings, deprive a person of the right to a fair trial or impartial adjudication, identify a confidential source or disclose confidential information relating to a criminal investigation or reveal criminal investigative techniques or procedures, other than routine techniques and procedures. Under no circumstances shall a document that is required by law to remain confidential be deemed a public document.

4. The term "core documents" shall mean those public documents for which library users have the most significant and frequent need.

§ 11. Responsibilities of the New York state library. 1. It shall be the responsibility of the state library to serve as the central repository for the distribution of all public documents. In accordance with this responsibility the state library shall establish a public documents distribution system consisting of depository libraries throughout New York state which shall be known as the "New York state document depository system" and shall be responsible for the maintenance and distribution of documents within this depository system.

2. The state library, in consultation with state agencies, shall develop a list specifying which public documents are core documents. The total number of core documents shall not exceed twenty-five. The list of core documents shall form the basis of the New York state documents reference center, documents depository and documents research library collections.

3. The gifts and exchange division of the state library is designated as the center for the collection of public documents for distribution throughout the depository system.

§ 12. Responsibilities of state agencies. 1. Every state agency shall:
(a) designate a public information officer with knowledge of the agency's organizational structure who will serve as the liaison between the agency and both the gifts and exchange division of the state library and the legislative library regarding the distribution of public documents. It shall be the responsibility of such officer:

(i) to forward thirty copies, upon completion, of each public document issued to the gifts and exchange division of the state library; and

(ii) with regard to the production of those public documents included in the state library's list of core documents, to forward a total of one hundred fifty copies, once issued, to the gifts and exchange division of the state library; and

(iii) to forward three copies, upon completion, of the agency's annual report, and any other public document which the agency is required by

law to submit to the legislature or to any particular legislative officers or chairpersons, to the legislative library; and

(iv) to forward the requisite number of copies of public documents to the gifts and exchange division of the state library, and to the legislative library, free of charge, even if copies of these documents must be purchased by the general public; and

(v) to forward a copy of each public document recorded in an electronic, online or machine readable format to the gifts and exchange division of the state library in such electronic, online or machine readable format.

(b) submit written notification to the gifts and exchange division of the state library and to the legislative library of the identity of the designated public information officer.

2. (a) Each state agency shall incorporate within its annual report a listing of all public documents and any journal, booklet, brochure, consumer guide, newsletter, official statement made in connection with the issuance of a debt obligation, code, regulation, pamphlet, book, leaflet, map, directory, periodical, serial, magazine, training manual, yearbook, compendium, film, video cassette or other electronic information program that the agency has issued in multiple copies and distributed to the public during the preceding year. For each document the title, author and terms of distribution shall be included in the listing. A state agency may omit from such listing any documents or portions thereof that are compiled for law enforcement purposes and which, if disclosed, would interfere with law enforcement investigations or judicial proceedings, deprive a person of a right to a fair trial or impartial adjudication, identify a confidential source or disclose confidential information relating to a criminal investigation or reveal criminal investigative techniques or procedures, except routine techniques and procedures.

(b) Upon written request, the state library shall be entitled to thirty copies of any document listed within an agency's annual report pursuant to the provisions of paragraph (a) of this subdivision.

(c) Upon written request, the legislative library shall be entitled to three copies of any document listed within an agency's annual report pursuant to the provisions of paragraph (a) of this subdivision.

3. (a) Each state agency shall incorporate within or include with all of its public documents a notice requesting the document recipient to notify the agency if the recipient wishes to be deleted from its mailing list or if the address of the recipient has changed.

(b) Each state agency shall include within or include with all public documents submitted to the state library and the legislative library a notice of the availability, if any, of each document in electronic, online or machine readable format, large print, braille or voice tape.

4. (a) Whenever state law requires a state agency to make, issue, submit, deliver, distribute or forward a report to the "legislature" or to "members of the legislature" or to "both houses of the legislature," or to any particular legislative officers or chairpersons of legislative committees, subcommittees or commissions, the agency shall satisfy such requirement by:

(i) making, issuing, submitting, delivering, distributing or forwarding a printed copy of the report to each member of the legislature, or to the specified legislative officers or chairpersons, as the case may be; if such report contains confidential information or is provided with the understanding that further disclosure of certain information in such reports is prohibited, provided that, such report shall be posted to the agency's website with all such confidential information redacted; or

(ii) making such document available on its website and sending a printed letter or notice to each member of the legislature, or to the specified legislative officers or chairpersons, as the case may be, indicating the availability of such report on the agency's website.

(b) Such letter or notice shall include the name of the specific report, the specific web address at which the report can be accessed or instructions on how to access the report from the agency's homepage, and the name of the person at the state agency to whom the legislator may direct a request to obtain a printed copy of the report, free of charge, if so desired.

§ 13. Responsibilities of the gifts and exchange division of the state

library. The gifts and exchange division of the state library shall be responsible for:

1. Listing the public documents received from state agencies in a monthly and annual checklist of government publications; and

2. Incorporating the listing of all public documents into a central catalogue; and

3. Issuing an annual reminder to the public information officer of each state agency regarding their responsibilities pursuant to section twelve of this article.

§ 14. Responsibilities of the legislative library. It shall be the responsibility of the legislative library, as such library is described in section seven-a of the legislative law to:

1. incorporate the listing of all public documents received from state agencies into a central catalog; and

2. issue an annual reminder to the public information officer of each state agency regarding their responsibilities pursuant to section twelve of this article.

ARTICLE 4

LAWS REPEALED; WHEN TO TAKE EFFECT.

Section 20. Laws repealed.

21. When to take effect.

§ 20. Laws repealed. Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is hereby repealed.

§ 21. When to take effect. This chapter shall take effect immediately.

